

# MEMO ENDORSED



HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

July 13, 2023

W. Simone Nicholson  
Special Assistant Corporation Counsel  
Office: (212) 356-2455

Granted. The parties  
shall provide a status  
update by August 31,  
2023.

Kather H Paul  
7/14/23

**VIA ECF**

The Honorable Katherine H. Parker  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *E.M. v. N.Y.C Dep't of Educ., et. al.*, 22-cv-5140 (PGG)(KHP)

Dear Judge Parker:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action, wherein Plaintiffs allege violations pursuant to the Individuals with Disabilities in Education Act ("IDEA"), 20 U.S.C. §1400, *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794; *et seq.*, as well as attorney's fees and costs for administrative decisions issued under the IDEA, and for this action.

The parties request the adjournment *sine die* of the Initial Pre-Trial Conference ("IPC") scheduled for July 17, 2023 (ECF 28), and the attendant submission of a case management plan. We apologize for the late request and any inconvenience it has caused the Court. However, an agreement in principle has been reached with respect to the outstanding tuition payments and the parties are now working to resolve the fees claim and finalize the terms of the settlement. Plaintiff's counsel has agreed to provide the relevant billing invoices by July 28, 2023. Defendants will then need time to complete their internal review and initiate settlement negotiations. The parties are optimistic that this case will be resolved without the need for conferences or motion practice.

Accordingly, the parties respectfully request that the IPC be adjourned *sine die* and propose the submission of a letter updating the Court on the status of the settlement negotiations by September 26, 2023.

Thank you for considering these requests.

Respectfully submitted,

/s/ W. Simone Nicholson  
Special Assistant Corporation Counsel

cc: Elisa Hyman, Counsel for Plaintiff (via ECF)